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May 14, 2014

VIA ECF

Honorable J. Paul Oetken
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007-1312

RE: Freeplay Music, LLC v. Makita U.S.A., Inc. et al.
S.D.N.Y. Case No. 13 cv 05235 (JPO)

Dear Judge Oetken:

This firm represents plaintiff, Freeplay Music LLC ("Freeplay") in connection with the above-referenced matter. We are filing this letter with the consent of counsel for the defendants Makita U.S.A., Inc. ("Makita U.S.A.") and Makita Corporation ("Makita Corp.") to advise the Court that the parties have reached a settlement in principle, exchanged a draft of a written settlement agreement and anticipate that a settlement will be finalized shortly.

As such, the parties respectfully request that the Court hold Makita U.S.A.'s motion to dismiss the Third Amendment Complaint (ECF 47), motion to transfer (ECF 55) and Makita Corp.'s separate motion to dismiss (ECF 60) in abeyance while the parties finalize the terms of the settlement agreement. Upon full execution of the settlement agreement, the parties will notify the Court that the matter has indeed been settled and file a formal Stipulation of Dismissal.

We thank the Court for its assistance with this matter.

Respectfully,



Seth L. Berman

SLB/sjn

cc: All counsel of record via ECF

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